

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **April 22, 2003 work Session**

AGENDA ITEM NO.: 2

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION:

INFORMATION: **X**

ITEM TITLE: **Report on Deer Season**

RECOMMENDATION: None

SUMMARY: Attached is a report on deer elimination efforts in the City during the last season . In addition, I have been advised by the Animal Warden that ten (10) hunt permits were issued as compared to only three (3) in previous years. I have discussed this information with the Animal Warden and we do not recommend any major changes in the program for this season. The recent change in State Code to allow for the issuance of kill permits for damage to residential plants (copy attached) should eliminate the need to renew the City's DEPOP permit. Furthermore, residents experiencing damage can receive a kill permit rather than going through the process outlined in the City Code to obtain an archery hunting permit.

PRIOR ACTION(S): Council adopted changes to the City Code to address this issue last fall.

FISCAL IMPACT: N/A

CONTACT(S): Kimball Payne, Larry Faust

ATTACHMENT(S): Deer Killed Report, Amended State Code

REVIEWED BY: lkp



The City of Lynchburg, Virginia

POLICE DEPARTMENT

MEMORANDUM

TO: MR. L. KIMBALL PAYNE, III, CITY MANAGER
FROM: COLONEL CHARLES W. BENNETT, JR., CHIEF OF POLICE
DATE: MARCH 31, 2003
RE: DEER KILLED REPORT

As requested, attached is information from Chief Animal Warden Larry Faust regarding deer killed in the City of Lynchburg for the past two years. If you need additional information, please feel free to contact me.

Attachment

RECEIVED
APR 03 2003
COUNCIL/MANAGER
OFFICES

RECEIVED
3/31/2003

ChB



The City of Lynchburg, Virginia

MEMORANDUM

TO: CHIEF BENNETT

From: Larry Faust *LF*

Date: 03/31/03

RE: DEER KILLED YEARS OF 2001-2002, 2002-2003

SEPT. 01 – JAN. 02

3 – KILL PERMITS ISSUED

49 – DEPOP PERMITS ISSUED

DEER KILLED BY OUR SHARPSHOOTERS.

KILL PERMITS

BUCK'S 30

DOE'S 27

DEPOP PERMITS

BUCK'S 22

DOE'S 36

TOTAL KILLED BUCK'S 52. DOE'S 63. = 115

SEPT. 02 – JAN. 03

6 – KILL PERMITS ISSUED

112 – DEPOP PERMITS ISSUED

DEER KILLED BY OUR SHARPSHOOTERS

KILL PERMITS

BUCK'S 33

DOE'S 33

DEPOP PERMITS

BUCK'S 27

DOE'S 34

TOTAL KILLED BUCK'S 60, DOE'S 67 = 127

DEER KILLED BY HUNTERS, GUN & BOW

KILLED BY BOW 39

KILLED BY SHOTGUN 13

TOTAL 52

BUTTON BUCK'S 4

BUCK'S 15

DOE'S 30 (ONLY 3 DOE'S KILLED IN URBAN ARCHERY SEASON.)

TOTAL 52

THE REASON FOR THE INCREASE IN DEPOP PERMITS IN 2002 & 2003 IS THAT THIS WAS THE FIRST YEAR WE ISSUED BOW PERMITS & THE FIRST YEAR THAT WE COULD ISSUE A DEPOP PERMIT ON ALL HUNT & BOW PERMITS. THIS PROVED TO BE A VERY GOOD MOVE ON THE PART OF THE CITY.

THE REASON I DO NOT HAVE ANY COUNT OF KILLS FROM SHOTGUN IN 2001 & 2002 IS BECAUSE THE GAME DEPT. DID NOT GIVE US THAT NUMBER UNTIL THIS YEAR.

Kim

In reply to your e-mail on the deer seasons from Sept. 21,02 – Jan. 1, 03.

A total of 112 DePop permits were Issued.

50) Issued to residents who Requested a DePop permit.

2) Issued to residents who received a Hunt Permit.

50) Issued to residents who received a Bow Permit.

10) Issued to residents who received a Bow & Hunt permit.

There were a total of (6) Kill permits in affect at this time, NO DePop permits can be Issued on Kill permits.

The Early Urban Archery season – Hunters only killed (3) Doe's, for the same time period the Sharpshooters Killed (16) Doe's and (14) Buck's.

A break down of deer killed by the Sharpshooters for Sept. 02- Jan. 03.

Kill Permits

Doe's ----- 33

Buck's ----- 33

Total ----- 66

DePop Permits

Doe's ----- 34

Buck's ----- 27

Total ----- 61

Total Deer Killed

Doe's ----- 67

Buck's ----- 60

Total ----- 127

A break down of deer killed by hunters, Gun and Bow.

Killed by Bow ----- 39

Killed by Shotgun ----- 13

Total ----- 52

Button Buck's ----- 4

Buck's ----- 15

Doe's ----- 30

Total ----- 52

Kim, I have some recommendations that I would like to talk to you all about. I know all of us are busy but it will be better to set down and talk this over together. When we get down to the point where we would like to be I will ask Jay Jefferys to come and give us his input.

If you need anything else please feel free to call me.

Thanks ----- Larry

CHAPTER 123

An Act to amend and reenact § 29.1-529 of the Code of Virginia, relating to deer kill permits.

[H 1765]

Approved March 16, 2003

Be it enacted by the General Assembly of Virginia:

1. That § 29.1-529 of the Code of Virginia is amended and reenacted as follows:

§ 29.1-529. Killing of deer or bear damaging fruit trees, crops, livestock, or personal property or creating a hazard to aircraft or motor vehicles.

A. Whenever deer or bear are damaging fruit trees, crops, livestock or personal property utilized for commercial agricultural production in the Commonwealth, the owner or lessee of the lands on which such damage is done shall immediately report the damage to the Director or his designee for investigation. If after investigation the Director or his designee finds that deer or bear are responsible for the damage, he shall authorize in writing the owner, lessee or any other person designated by the Director or his designee to kill such deer or bear when they are found upon the land upon which the damages occurred. However, the Director or his designee shall have the option of authorizing the capture and relocation of such bear rather than authorizing the killing of the bear, provided that the relocation occurs within a reasonable period of time; and whenever deer cause damage on parcels of land of five acres or less, except when such acreage is used for commercial agricultural production, the Director or his designee shall have discretion as to whether to issue a written authorization to kill the deer. The Director or his designee may limit such authorization by specifying in writing the number of animals to be killed and duration for which the authorization is effective and may in proximity to residential areas and under other appropriate circumstances limit or prohibit the authorization between 11:00 p.m. and one-half hour before sunrise of the following day. The Director or his designees issuing these authorizations shall specify in writing that only antlerless deer shall be killed, unless the Director or his designee determines that there is clear and convincing evidence that the damage was done by deer with antlers. Deer or bear killed pursuant to such authorization shall be utilized or disposed of within ~~twenty-four~~ 24 hours of being killed. Any owner or lessee of land who has been issued a written authorization shall not be issued an authorization in subsequent years unless he can demonstrate to the satisfaction of the Director or his designee that during the period following the prior authorization, the owner or his designee has hunted bear or deer on the land for which he received a previous authorization.

B. Subject to the provisions of subsection A, the Director or his designee may issue a written authorization to kill deer causing damage to residential plants, whether ornamental, noncommercial agricultural, or other types of residential plants. The Director may charge a fee not to exceed actual costs. The holder of this written authorization shall be subject to local ordinances, including those regulating the discharge of firearms.

~~B~~ C. Whenever deer are creating a hazard to the operation of any aircraft or to the facilities connected with the operation of aircraft, the person or persons responsible for the safe operation of the aircraft or facilities shall report such fact to the Director or his designee for investigation. If after investigation the Director or his designee finds that deer are creating a hazard, he shall authorize such person or persons or their representatives to kill the deer when they are found to be creating such a hazard.

€ D. Whenever deer are creating a hazard to the operation of motor vehicle traffic within the corporate limits of any city, the operator of a motor vehicle may report such fact to the Director or his designee for investigation. If after investigation the Director or his designee finds that deer are creating a hazard within such city, he may authorize responsible persons, or their representatives, to kill the deer when they are found to be creating such a hazard. The carcass of every deer or bear so killed may be awarded to the owner or lessee by the Director or his designee, who shall give such person a certificate to that effect on forms furnished by the Department. Any person awarded a deer or bear under this section may use the carcass as if he had killed the animal during the hunting season for deer or bear.

Ð E. Whenever deer are damaging property in a locality in which deer herd population reduction has been recommended in the current Deer Management Plan adopted by the Board, the owner or lessee of the lands on which such damage is being done may report such damage to the Director or his designee for investigation. If after investigation the Director or his designee finds that deer are responsible for the damage, he may authorize in writing the owner, lessee or any other person designated by the Director or his designee to kill such deer when they are found upon the land upon which the damages occurred. The Director or his designee also may limit such authorization by specifying in writing the number of animals to be killed and the period of time for which the authorization is effective. The carcass of every deer so killed may be awarded to the owner or lessee by the Director or his designee, who shall give such person a certificate to that effect on forms furnished by the Department. Any person awarded a deer under this section may use the carcass as if he had killed the animal during the hunting season for deer. The requirement in subsection A of this section, that an owner or lessee of land demonstrate that during the period following the prior authorization deer or bear have been hunted on his land, shall not apply to any locality that conducts a deer population control program authorized by the Department.

£ F. The Director or his designee may revoke or refuse to reissue any authorization granted under this section when it has been shown by a preponderance of the evidence that an abuse of the authorization has occurred. Such evidence may include a complaint filed by any person with the Department alleging that an abuse of the written authorization has occurred. Any person aggrieved by the issuance, denial or revocation of a written authorization can appeal the decision to the Department of Game and Inland Fisheries. Any person convicted of violating any provision of this title shall receive written authorization to kill deer or bear, but shall not (i) be designated as a shooter nor (ii) carry out the authorized activity for a person who has received such written authorization.

Legislative Information System